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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,529	04/13/2001	Roger W. Ach III	LOTG / 32	4021

26875 7590 02/18/2005

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EXAMINER
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HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/834,529	ACH, ROGER W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John M Hotaling II	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacher et al in view of Walker et al US Patent 6,425,828. Thacher discloses in columns 1-2 that a tournament system in which people of widely varying skills can play different games of skill at diverse locations while participating in the same tournament. Columns 3, 4 and 8 disclose providing a plurality of scores for a plurality of games where scores are received at a central computer and then modified based on type of game and handicap values so that the scores can be compared and a winning score computed. Column 3 of Thacher that discloses specifically that the game and the score are stored in association with the player number (lines 2-3), the player is able to play a first game and then select different (second) games to be played by a menu (lines 20-22), and the central computer can keep track of an individual player's scores associated with any of the games, allocating handicaps as his skill increases by associating and storing all or some of the game number, game handicap, player numbers, previous players previously achieved handicap and present score (lines 28-34). This teaches that the player can play more than one game. Furthermore in column 8 it is discloses that the computer can automatically assign different from the actual score received for

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each game played by each player. Thacher lacks in disclosing that a player rating is dependent on a score achieved in two different games. Instead, column 10 discloses that the system clearly facilitates universal access to a tournament by players of varying skill, on different kinds of games, located in widely different locations. In an analogous invention to Walker an online tournament system where players can be ranked based on their performance playing the game in the tournament and that more than one game can be played during the tournament is disclosed. Walker discloses that rating systems are impossible to implement without a way to track a players progress over a number of games and handicap systems popular in golf games are similarly restricted in that the player results must be tracked over a series of games. See column 7 where player rating based on performance is disclosed. Ratings are numerical values that represent the skill of the player. Column 13 discloses several different methods of conducting a tournament such as several different game formats represented in a tournament or game session, having competitors play the same game tournament or having the difficulty level of a game session adjusted. With respect to all of the claim element with the ranking relative to specific game performance please see above where it is disclosed that the ranking is relative to game performance, see also columns 9-12 where different games are disclosed and different performance criteria (length of play, score, etc) are established for each game. It would have been obvious at the time of the invention to combine the invention of Thacher based on the motivation provided above that the system system clearly facilitates universal access to a tournament by players of varying skill, on different kinds of games, located in widely different locations

with the disclosure of Walker suing a rating system to compare the scores of participating players using rating systems over a plurality of games and the games may be different.

### ***Response to Arguments***

Applicant's arguments filed 11/5/04 have been fully considered but they are not persuasive. With respect to the applicants arguments that the player does not have the opportunity to play different games and be ranked on the score of the different games please see column 3 of Thatcher that discloses specifically that the game and the score are stored in association with the player number (lines 2-3), the player is able to play a first game and then select different (second) games to be played by a menu (lines 20-22), and the central computer can keep track of an individual player's scores associated with any of the games, allocating handicaps as his skill increases by associating and storing all or some of the game number, game handicap, player numbers, previous players previously achieved handicap and present score (lines 28-34). This teaches that the player can play more than one game. Furthermore in column 8 it is discloses that the computer can automatically assign different from the actual score received for each game played by each player. Thatcher lacks in disclosing that these scores can be combined into a rating. In an analogous invention that uses player scores for generating a ranking Walker discloses that rating systems are impossible to implement without a way to track a players progress over a number of games and handicap systems popular in golf games are similarly restricted in that the player results must be tracked over a series of games. See column 7 where player rating based on

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performance is disclosed. Ratings are numerical values that represent the skill of the player. Column 13 discloses several different methods of conducting a tournament such as several different game formats represented in a tournament or game session, having competitors play the same game tournament or having the difficulty level of a game session adjusted. With respect to all of the claim element with the ranking relative to specific game performance please see above where it is disclosed that the ranking is relative to game performance, see also columns 9-12 where different games are disclosed and different performance criteria (length of play, score, etc) are established for each game. Therefore it would be obvious to combine Thacher which teaches that you can have a common score based on different games with the well known ability to use these common scores to make a player ranking as taught by Walker.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOHN M. HOTALING, II  
PRIMARY EXAMINER

February 17, 2005